IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.Rev.Pet.No. 235 of 1999()

AGAINST THE ORDER IN ST.4477/1995 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR.

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REVN. PETITIONER: COMPLAINANT

UNNIKRISHNAN,
ANANDA BHAVAN, 18/228 F,
THRIKANDIYOOR P.O., TIRUR.

BY ADV. SRI.T.KRISHNANUNNI

RESPONDENT/ ACCUSED

K.V.ALAVIKUTTY,
S/O.YAHUTTY JAHI,
KULANGARAVEETTIL,
P.O. PUTHUPALI.

BY ADV. SRI.P.V.SURENDRANATH
BY PUBLIC PROSECUTOR SRI.C.K.SUREH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

Crl. R.P. No.235 of 1999

Dated 19th June, 2007

ORDER

The revision petitioner is the complainant in the proceedings initiated under section 138 N.I.Act. The same happened to be dismissed at the threshold placing reliance on the decision reported in **Gopa Devi Ozha v. Sujit Paul** (1996 (2) KLT 886) that the complainant claimed in the notice the cheque amount as well as notice charges.

2. Evidently, the above decision is no longer valid in view of the Division Bench decision of this Court in Kunjan Panicker v. Christudas (1997 (2) KLT 539). In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further proceed with the matter and dispose of the case on merits. The petitioner shall appear before the court below on 23-7-2007.

The Crl.R P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P. 235 OF 1999

ORDER

19-6-2007.